

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**JUAN CONCEPCION,**

**Petitioner,**

**v.**

**DAVID VARANO,**

**Respondent.**

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**Civ. No. 1:11-cv-2225**

**Judge Rambo**

**Magistrate Judge Mehalchick**

**ORDER**

**AND NOW**, this 14<sup>th</sup> day of June, 2016, **IT IS HEREBY ORDERED**

**AS FOLLOWS:**

1. The report and recommendation of the magistrate judge (Doc. 44) is **ADOPTED**;
2. Concepcion's first (Sixth Amendment speedy trial claim), second (constitutional excessive sentence claim), and fifth through seventh (ineffective assistance claims) grounds for relief each is **DENIED** as procedurally defaulted;
3. Concepcion's third (constitutional double jeopardy claim) and fourth (venue claim) grounds for relief shall proceed on the merits;
4. This case is remanded for further proceedings with respect to Concepcion's claims that have been properly exhausted.

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge